

REMARKS

By the present amendment, claims 13-17 have been amended to recite more explicitly the device used in the method and to replace “which consists sequentially” by “which comprises, sequentially.”

Also, claims 1 and 17 have been amended to correct typographical errors.

New claims 18-26 corresponding to claims 4-12 but dependent directly or indirectly on claim 2 have been added.

Claims 1-26 are pending in the present application. Claim 1 is the only independent claim.

Objection to claims 13-14 and 17

In the Restriction Requirement, claims 13-14 and 17 are objected to. It is alleged that these claims “refer to other claims as intended use” (Office Action at page 2).

Claims 13-17 have been rewritten to recite more explicitly the device used in the method. Accordingly, it is submitted that the objection should be withdrawn.

Restriction requirement

In the Office Action, Applicants are required to elect one of the following groups of claims for prosecution in this application:

- (IX) Claims 1-2, and 15, drawn to a device “comprising a cutting member that is arranged inside the chamber and an arm member”
- (X) Claims 1, 3, and 4, drawn to a device “comprising an arm member that forms an intermediate guiding member”

- (XI) Claims 1, 3, and 5, drawn to a device “comprising an arm that consists of an angular position detection sensor”
- (XII) Claims 1, 6-7, and 16, drawn to a device “comprising a selective guiding means that includes a ramp and a third driving means”
- (XIII) Claims 1, 6, 8, and 9, drawn to a device “comprising a third driving means that is fitted with a second ramp”
- (XIV) Claims 1, 6, 8, and 10, drawn to a device “comprising a third driving means place[d] under the control of a sensor”
- (XV) Claims 1 and 11, drawn to a device “comprising a second driving means composed of a couple of rollers”
- (XVI) Claims 1 and 12, drawn to a device “comprising wherein the cutting member is a knife”

Applicant(s) hereby elect(s) the subject matter of **Group (I), Claims 1-2 and 15** for prosecution in this application. This election is made **with traverse**.

In the Office Action, it is alleged that the above groups lack a “common special technical feature” because “an ‘X’ reference, U.S. Patent 5,717,836, establishes a lack of unity a posteriori, and the technical feature of claim 1, is not a technical feature that defines a contribution over the prior art” (Office Action at page 3). However, the ‘836 patent does not disclose the technical features of claim 1.

For example, the ‘836 patent discloses two motors M1 and M2, but M2 is not a “second motorized positive driving means of the band” as recited in present claim 1.

Specifically, in the '836 patent, M1 "serves as a power source for transferring the recording paper" (col. 4, lines 26-27). In contrast, M2 has two functions: "power source for feeding a document when transmitting facsimile information" and "switch the position of the positioning arm 9" (col. 4, lines 28-31). A document to be copied of faxed is different from the "recording paper" which is supplied from the roll 3a (see col. 3, lines 65-67). Further, the positioning arm 9 actuates the arm 5 that moves the curl removal rod 6 (see col. 5, lines 26-30). However, the rod 6 is passively applied to the paper. In other words, in the '836 patent, M1 is the only motor driving the recording paper.

Further, the '836 patent discloses a control portion 28 that "drives motors M1 and M2" (col. 4, lines 65-66), but there is no "means for slaving the speeds driving the band during printing, driving the band jointly by the first motorized means and by second motorized positive driving means of the band" as recited in present claim 1.

Specifically, the recording paper of the '836 patent is driven by M1 only, not M2.

Also, the '836 patent discloses a paper sensor 23, but the paper sensor 23 does not operate to control the control portion 28 as a "means for detecting the position of an elastic mobile member for maintaining under tension the band inside the reserve chamber" as recited in present claim 1. Namely, the paper sensor 23 of the '836 paper detects the position of a leading edge of the paper (col. 5, line 51-55), but not the position of a tensioning member.

In addition, the '836 patent discloses a tensioning rod 6, but does not disclose an elastic mobile member having a "position which varies according to the relative driving speeds of the band, respectively by the first and by the second driving means" as recited in present claim 1. In

the '836 patent, only one motor M1 drives the recording paper, and in any case, the position of the tensioning rod 6 does not vary according to relative speeds of M1 and M2.

In view of the above, it is submitted that the restriction requirement should be withdrawn.

Subsidiarily, regarding claims 13-14 and 18-26, it is submitted that these claims depend directly or indirectly on claim 2. Accordingly, it is submitted that claims 13-26 are within the scope of Group II and should be examined together with claims 1, 2, and 15.

It is understood that Applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 U.S.C. §120 and 35 U.S.C. §121 are retained.

Conclusion

If this paper is not timely filed, Applicant(s) respectfully petition(s) for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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